

### REMARKS

Claims 1-11 are pending in the application.

**Drawings:**

The drawings have been objected to for using the reference character "27" for two different items. A formal substitute Fig. 2 is submitted herewith correcting the reference character "27" attached to "OAM COMPLEX" in Fig. 2 which is in error. The reference character "31" is used in the substitute Fig. 2 which conforms with the specification. No new matter is entered.

**Claims:**

Claims 1-3 and 8-11 have been amended to clarify applicant's claimed invention. The claims amendments are supported by the original specification, for example Fig. 1 and Fig. 2. An edge node 11 (first low-order node) is connected to label switches 11 and 12 (first and second high-order nodes) via at least one physical line (optical fibers 101 and 102 in Fig. 2)). The edge node 11 includes interfaces "27" and "29" (first and second output ports) and a selecting section (controller 31 see Fig.2, and Figs. 6-8, change of output path (S4)).

Claims 1-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Masuo et al. (U.S. 6,034,961)(Masuo).

The Masuo reference relates to an active/standby routing system in an ATM network. In the cited sections of the reference disclosed are sequences for setting active/standby routes at the same time.

The Office Action takes the position that nodes 11 and 18 of Masuo correspond to a first low-order node of applicant's claimed invention, Masuo nodes 13 and 14 correspond to a first

high-order node of applicant's claimed invention, and Masuo nodes 15 and 16 correspond to a second high-order node of applicant's claimed invention.

Masuo teaches, as shown in Fig. 2, lower node 11 (18) is only connected to the node 12 (17), if a physical line between the node 11 (18) and node 12 (17) is disconnected and/or a device failure of node 12 (17) occurs, node 11 (18) is divorced from the ATM network (for example corresponding a high-order node network).

In contrast to Masuo applicant claims that the first low-order node is connected to the first and second high-order nodes via at least one physical line. Further, the first low-order node includes first and second outputs ports to transmit data to the first and second high order node and selecting section switching from the first output port to the second output port when detecting the failure of the communication failure between the first high-order node and the first low-order node.

This provides applicant's claimed invention with the advantage of preventing a first low-order node (e.g. edge node), which is connected to a high-order node (e.g. label switch), from being divorced from a high-order node network (e.g. core network) by failures of the high-order node and/or communication failures between the low-order node and the high-order node.

As pointed out above this is different from the claimed invention because lower node 11 (18) is only connected to node 12 (17) (Fig. 2) and a disconnected physical line between node 11 (18) and node 12 (17) and/or a device failure of node 12 (17) would disconnect node 11 (18) from the ATM network. Therefore, the reference does not solve the problem of the present invention.

In addition Masuo teaches features of setting active/standby route in advance. In contrast applicant's claimed invention provides, in a high-order node network, the first low-order

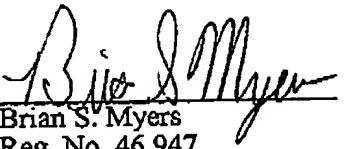
node network, the first low-order node, which is connected to the first and second high-order nodes via at least one physical line, includes first and second output ports and a selecting section, the selecting section changes from the first output port to the second output port when there occurs device/communication failures.

The reference does not teach nor suggest that node 11 (18) changes the node 12 (17) into another node when there occurs communication failure between the node 11 (18) and 12 (17) and/or the failure of the node 12 (17). Therefore it is respectfully submitted that the present claimed invention can not be anticipated from the reference Masuo and the claim rejections should be withdrawn for at least the above reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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